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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,137	06/05/2001	Naoji Sakamoto	DKT00123	6261

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EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/874,137

**Applicant(s)**

SAKAMOTO ET AL.

**Examiner**

Marcus Charles

**Art Unit**

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the first action relating to application serial number 09/874,137, filed 06-05-2001.

Claims 1-13 are currently pending.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 06-05-2000. It is noted, however, that applicant has not filed a certified copy of the Japan application as required by 35 U.S.C. 119(b).

#### ***Drawings***

2. The draftsman has approved the drawing filed with this application as formal drawing.

3. Figures 5-6, 7, 8-9, 14 and 15 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because in figs. 2 and 7b, they include the following reference sign(s) 42 and 42' not mentioned in the description. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5, 6, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Mott('374). Mott discloses a silent chain comprising a plurality links plates (12) each having a pair of tooth parts, a guide link (14) disposed on the outermost side of the link plates and fixed to linking pins (14) such that the distance from a centerline of the pin hole of the link plate to the link plate surface is greater than the distance from the centerline of the pin hole (22) to the surface of the guide plate.

Regarding claims 2 and 8, it is apparent from fig. 3, that half the clearance between the pinhole and the pin plus the distance between the centerline of the pin to the upper surface of the guide link is greater lee or equal to the distance between the centerline of the pin to the upper surface of the link plate.

In claims 5 and 10, it is apparent that shoulder parts of the guide link do not protrude beyond the shoulder of the shoulder parts of the link plate.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 3, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of JP('4046241). Mott does not disclose that the guide link has a crotch in the surface facing the guide link. JP('4046241) discloses a silent chain comprising a plurality of guide links (3), wherein each guide link has a crotch part facing the chain guide (6) in order to reduce the weight of the chain and increase the flexibility of the chain in the transverse direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the guide link of Mott to include a crotch in view JP('4046241) in order to reduce the weight of the chain and increase the flexibility of the chain in the transverse direction.

Regarding claims 11-13, Mott does not disclose the guide links and the link plates in contact with a chain guide and the surface of the guide link has a plurality of teeth. JP('4046241) further discloses the guide links (3') and link plate (2) contacting the chain guide (6') and the contacting surface of the guide link (3') has teeth in order to prevent the chain from chattering and minimize lateral movement of the chain. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the chain of Mott to include the limitation of JP('4046241) in order to prevent the chain from chattering and to minimize lateral movement of the chain.

9. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Matsuda. Mott does not disclose that the link plate has teeth on both sides of the pinhole. Matsuda discloses a silent chain in which the link plates (6) have teeth (61, 61') on both sides of the pin hole (62) for engaging an idler sprocket and for driving multiple sprockets in opposite rotating directions. Therefore, it would have been

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obvious to one of ordinary skill in the art to modify the link plates of Mott device to include the link plates of Matsuda for engaging an idler sprocket and for driving multiple sprockets in opposite rotating directions.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuda ('209), Kozakura et al.('926), Ichikawa et al.('140) disclose a double mesh silent chain. Ledvina (209) discloses a silent chain, wherein the height of the center links from the centerline of the pin from the surface of the guide link is shorter than that of the link plates. Ledvina et al.(937) and Avramidis et al.('800) disclose a silent chain.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.



Marcus Charles  
Examiner  
Art Unit 3682  
September 27, 2002